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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,679	03/18/2004	Jianbo Lu	81095829FGT1911	2678

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SOUTHFIELD, MI 48034

EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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3683

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/708,679

Applicant(s)

LU ET AL.

Examiner

Christopher P. Schwartz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER

DETAILED ACTION

1. Applicant's response filed November 13, 2006 has been received. The claims remain **unduly broad** with respect to what is known, or collectively taught, in the prior art.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-6,20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. publication to Wessman '616 in view of Ritz et al. and Ishido et al.

Regarding claims 1,20 Wessman discloses a steering control device comprising a steering transmitting device and a sensor 5 "arranged to detect at least one parameter relating to a condition of the steering actuator and generate a signal indicative of the

condition..." This publication goes on to disclose a method to reduce the turning radius of the vehicle by braking. See claim 1.

Lacking in Wessman are the specific terminology of brake steering and applicant's specific terminology of the vehicle being or entering into a "U-turn". But in claim 1 note Wessman claims "...said steering position signal indicates that the steering actuator is approaching a maximum limit position.." See also the limitations of claim 2.

Ritz et al. is relied upon to provide a better explanation that this is in fact occurring in Wessman. Please see columns 1 and 2 and column 6 lines 47-63 (of the patent '394—for reference).

Although the reference to Ishido et al. uses "J-turn" as an example, this reference is relied upon to show applicant's limitation of "U-turn" is nothing more than equivalent terminology of when the vehicle is turning from one directional state of travel to an opposite one—and possibly at its maximum turn capability. That is, it refers simply to a state of turning of the vehicle. See for example Ishido et al. col. 1 lines 41-44.

It would have been obvious to have applied the teachings of Ritz et al. to that of Wessman for safety considerations when the vehicle corners or when the vehicle is in the state of vehicle stability control, i.e. for increased safety.

Regarding claims 1-6,21 as broadly claimed, these requirements are fairly suggested by the references above and what is notoriously well known in the art.

5. Claims 7-19,22-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wessman '616 in view of Ritz et al. as applied to claim 6 above, and further in view

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of Yamawaki et al. '113 or Nishizaki et al. '215 or Shinmura et al. '975 or the U.S. publication to Zheng et al. '847 or Harara et al. '019 and US publication to Recker et al.

Regarding claims 7-19,22-47, as broadly claimed by applicants, these limitations are well known in the art and are fairly suggested by Yamawaki et al. '113 or Nishizaki et al. '215 or Shinmura et al. '975 or Zheng et al. '847 or Harara et al. '019 and Recker et al.

To have applied the teachings of the modifying references above to Wessman '616, as modified by Ritz et al., would have been obvious to the ordinary skilled worker in the art to offer improved operator steering feel and an improved vehicle stability control system.

For instance the limitation of a "boost curve" is not given much patentable weight since this merely amounts to an obvious alternative equivalent of using steering "target", "threshold", or "limit" values from look up tables or maps stored in the ECU/Microprocessor memory to in turn adjust the amount of brake steer. See for instance the abstract and figure 3a in the US publication to Recker et al.

Response to Arguments

6. Applicant's arguments with respect to claims 1-46 have been considered but are not persuasive. Applicant's representative states in his remarks "The examiner admits.. that neither Ritz or Wessman teach anything regarding "U-Turn" control. This is not correct. The examiner simply stated the Wessman reference lacked applicant's specific language of a "U-turn". What Wessman does teach (as discussed above) is that braking does occur during a turning state of the vehicle when the brake

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system receives a steering position signal and that signal indicates that the steering actuator is approaching a maximum limit position. Ritz teaches a similar system (see the abstract and column 1). Both of these patents can be said to teach "brake-steer" as broadly claimed.

When a vehicle comes off the highway onto an exit ramp frequently the vehicle enters into a turn to take it into a direction completely opposite from it's original direction of travel. This turn can easily be considered to be a "U-turn" -- no matter how tight or how broad, as broadly claimed, and both references to Wessman and Ritz address this turning state of the vehicle, even if not explicitly stating the vehicle is in a "U-turn", per se. The reference to Ishido et al. was relied upon to illustrate similar terminology to applicant's to describe a similar turn. See column 1 lines 40-44.

It seems applicant's representative is relying upon nothing more than simple semantics for patentability of these unduly broad claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

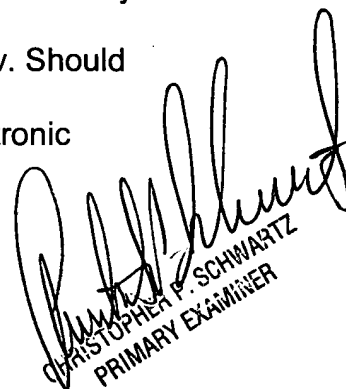
8. It is recommended applicant's representative review the prior art of record cited in the application.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps
1/17/07


CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER